



Pursuant to Judge Karas' December 15, 2006 order, discovery in the Dunlop action shall remain stayed pending resolution of the Defendants' motion to dismiss.

MICHAEL A. CARDOZO  
Corporation Counsel

THE CITY OF NEW YORK  
LAW DEPARTMENT  
100 CHURCH STREET  
NEW YORK, NY 10007

SO ORDERED

Date: 1/8/08

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January 7, 2008

**BY HAND**

The Honorable Richard J. Sullivan  
United States District Judge  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Room 615  
New York, New York 10007-1312

**MEMO ENDORSED**

Re: Dunlop v. The City of New York, et al., 06 Civ. 433 (RJS) (JCF)

Dear Judge Sullivan:

I write in response to plaintiff's letter of January 4, 2008. Plaintiff's letter accurately describes the history in this case. On October 4, 2006, Judge Karas issued an order denying the plaintiff's motion to remand this action to state court (see Order of October 4, 2006). Shortly thereafter, defendants requested permission of Judge Karas to file motions to dismiss. Unlike in the Concepcion case, at the conclusion of the pre-motion conference in this case, Judge Karas *sua sponte* ordered a stay of discovery in this case pending the resolution of defendants' motion to dismiss. At this juncture, defendants respectfully request that the Court maintain the stay pending resolution of the motion. The complaint asserts wholly unfounded and defectively pleaded "conspiracy" claims against the Mayor, the Commissioner of Police, the Manhattan District Attorney and various other individuals in the employ of the City. As Judge Karas recognized when the Court issued its *sua sponte* order, plaintiff should not be permitted discovery on a claim such as this that cannot survive a motion to dismiss. Your Honor has set oral argument on this motion for February 6, 2008. If the Court grants the motion to dismiss, the scope and complexity of discovery in this case will be substantially reduced. Accordingly, defendants respectfully request that the Court maintain its stay in this case pending resolution of defendants' motion to dismiss.

Respectfully submitted,

Jeffrey C. Brooks

cc: Gina M. Bonica, Esq. (via facsimile and email)